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# ACTS

OF THE

GENERAL ASSEMBLY OF PENNSYLVANIA

(SINCE 1879.)

TO

# PROVIDE REVENUE

BY

# TAXATION.

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APPROVED—JUNE 7, 1879, P. L. 112; JUNE 30, 1885, P. L. 193; JUNE 1, 1889, P. L. 420;  
JUNE 8, 1891, P. L. 229, AND JUNE 8, 1893, P. L. 353.

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**Acts of the General Assembly of Pennsylvania (since  
1879) to Provide Revenue by Taxation.**

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**ACT OF 1879.**  
[June 7, 1879, P. L. 112.]

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**AN ACT**

To provide revenue by taxation.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, \* \* \*

**NET EARNINGS OR INCOME :**

Section 10. That every private banker and broker, and every unincorporated banking and saving institution, express company, palace car company and sleeping car company, and all corporations incorporated by or doing business in this Commonwealth, except those liable to a tax on capital stock or gross receipts under the provisions of this act, and banks, trust companies and savings institutions having capital stock, and foreign insurance companies licensed in pursuance of the several acts in relation thereto, shall annually, upon the first Monday of November of each year, make report to the Auditor General, under oath or affirmation, setting forth the entire amount of net earnings or income received by said individuals, company or corporation, from all sources during the preceding year; and upon such net earnings or income, the said individual, company or corporations, as the case may be, shall pay into the State treasury for the use of the State, within sixty days thereafter, three per centum upon such annual net earnings or income, in addition to the taxes imposed by the preceding sections of this act; and in case any corporation, company or individual shall neglect or refuse to make the report required by this section to the Auditor General, on or before the thirty-first day of December, such corporation, company or individual, shall be liable to a penalty of ten per centum for such neglect, which shall be added to the amount of tax found due in the settlement of their account.

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[Note.—Sec. 10 is supplied as regards bankers and brokers by the act of June 27, 1895, and as to corporations by section 27 of the act of June 1, 1889.]

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#### REPEALING SECTION:

Section 18. That this shall go into effect immediately, and that all laws or parts of laws inconsistent herewith, or which are hereby substantially re-enacted, be and the same are hereby repealed, saving, reserving, and excepting unto the Commonwealth the right to collect any taxes accrued or accruing under the said laws or parts of laws and sections, or any of them, prior to the date of the approval of this act: Provided however, That taxes shall not be collected for the same period of time under any such repealed law, and under any substantial re-enactment of the same herein contained.

Approved—June 7, 1879.

#### ACT OF 1885.

[June 30, 1885, P. L. 193.]

#### A FURTHER SUPPLEMENT

To an act entitled “An act to provide revenue by taxation,” approved the seventh of June, one thousand eight hundred and seventy-nine.

#### PERSONAL PROPERTY:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all mortgages, money owing by solvent debtors, whether by promissory note, or penal or single bill, bond, or judgment, also, all articles of agreement and accounts bearing interest, owned or possessed by any person or persons whatsoever, except notes or bills for work or labor done, and all obligations given to banks for money loaned, and bank notes, and all public loan or stocks whatsoever (except those issued by this Commonwealth or the United States) and all money loaned or invested in any other State, and all other money capital in the hands of individual citizens of the State, shall be and are hereby taxable for State purposes at the rate of three mills on the dollar of the value thereof annually: Provided, That the same shall after the passage of this act be exempt from all taxation except for State purposes.

[Note.—The proviso to the above section is the only portion of present importance, that portion of the section which enumerates the classes of property subject to the tax on personal property having been superseded by sec. 1 of the acts of June 1, 1889 and June 1, 1891.]

\* \* \* \* \*



**CORPORATE LOANS:**

Section 4. That hereafter it shall be the duty of the treasurer of each private corporation incorporated by or under the laws of this Commonwealth, or the laws of any other State or of the United States and doing business in this Commonwealth, upon the payment of any interest on any scrip, bond, or certificate of indebtedness, issued by said corporation to residents of this Commonwealth, and held by them, to assess the tax imposed and provided for State purposes upon the nominal value of each and every said evidence of debt, and to report on oath annually on the first Monday of November to the Auditor General the amount of indebtedness of the corporation owned by residents of this Commonwealth, as nearly as the same can be ascertained, and it shall be his further duty to deduct three mills on every dollar of the interest paid as aforesaid and return the same into the State treasury within fifteen days after the thirty-first day of December in each year; and his compensation for his service shall be the same that city and borough treasurers receive for similar services; and for every failure to assess and pay said tax and make report as aforesaid, the Auditor General shall add ten per centum as a penalty to the amount of the tax in payment of said tax by a corporation; the bonds, certificates, or other evidences of indebtedness issued by it shall be exempt from all other taxation in the hands of the holders of the same.

\* \* \* \* \*

**REPEALING SECTION:**

Section 21. All acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

Approved—The 30th day of June, A. D. 1885.

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**ACT 1889.**

[June 1, 1889, P. L. 42<sup>1</sup>.]

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**A FURTHER SUPPLEMENT**

To an act entitled “An act to provide revenue by taxation,” approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine.

Section 1. Be it enacted, &c., \* \* \* \* \*

[Note.—Sec. 1 supplied by sec. 1 of the act of June 8, 1891.]

\* \* \* \* \*

**PERSONAL PROPERTY TAX—RETURNS:**

Section 2. That the board of revision of taxes in cities co-extensive with counties, shall furnish the assessors of said city annually, and

the commissioners of the other counties shall annually furnish the assessors of the several townships, boroughs and cities of the respective counties with blanks in the form prepared and supplied by the Auditor General, and it shall be the duty of each of said assessors to furnish a copy of the same to every taxable person, co-partnership, unincorporated association, joint-stock association and company, limited partnership and corporation in his respective ward, district, borough or township, or to any officer, agent or employe found at the place of business of any such limited partnership or corporation in his ward, district, borough or township, upon which blank each taxable person, co-partnership, unincorporated association, company, limited partnership, joint-stock association and corporation, shall respectively make return annually of the aggregate amount of all the different classes of personal property made taxable by the first section of this act, held, owned or possessed by said person, co-partnership, unincorporated association, company, limited partnership, joint stock association or corporation, either in his, her or its own right, or as trustee, agent, attorney-in-fact or in any other capacity, for the use, benefit or advantage of any other person, persons, co-partnerships, unincorporated association, company, limited partnership, joint-stock association or corporation; which return shall be made and sworn or affirmed to by such taxable person, and in the case of co-partnerships, unincorporated associations, and joint-stock associations and companies by some member thereof, and in the case of limited partnerships and corporations by the president, chairman or treasurer thereof: Provided, That any corporation, joint-stock association or limited partnership doing business in more than one county shall be liable to make such return only in the county in which its principal office within this Commonwealth is situated: Provided, That the taxable person, co-partnership, unincorporated association, joint-stock association, limited partnership, corporation or other person making the return aforesaid, shall not include in said return the obligations of public or private corporations, the tax upon which is required by law to be collected from the holder of such obligations and paid into the State treasury by the corporation, it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the collection of the tax upon such obligations shall remain unaffected by the present act.

Section 3. The affidavit required to be made by the last preceding section shall be made before the proper assessor or other person authorized to administer oaths, and shall set forth that the return is full, true and correct to the best of his or her knowledge and belief; and any person or officer who shall wilfully and corruptly make a false and fraudulent return as aforesaid shall be guilty of wilful

and corrupt perjury, and upon his or her conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment by separate and solitary confinement at labor not exceeding seven years, and thereupon be forever disqualified from being a witness in any matter or controversy.

Section 4. That the several assessors are hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by the preceding sections, for the taking of which oath or affirmation no charge shall be made by the assessor; any assessor who shall accept such return from any person or officer required to make the same without requiring the oath or affirmation of such person or officer as herein provided, or who shall make any charge for administering such oath or affirmation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars.

Section 5. That upon the refusal or failure of any taxable person, co-partnership, unincorporated association, limited partnership, joint-stock association or corporation, to make a return properly verified by oath or affirmation, as required by this act, within ten days after being notified so to do, it shall be the duty of the assessor to make a return for such taxable person, co-partnership, unincorporated association, joint-stock association, limited partnership or corporation from the best information he can obtain; he shall examine the records and lists of judgments and mortgages, returned by the prothonotary and the recorder of deeds and mortgages, under the seventh and eighth sections of this act, in the commissioners' office or office of the board of revision of taxes or remaining in their respective offices, and assess such defaulting person, co-partnership, unincorporated association, joint-stock association, limited partnership or corporation with the amounts of all such liens with interest thereon, and add thereto the amount of all taxable property obtained from all other sources of information; which return the proper county commissioners or board of revision shall have power and it shall be their duty to revise and correct according to the best information they can command from the records in their office or other sources, and it shall be their duty to send for a person, persons and papers, and to administer an oath or affirmation to him or them in such form as shall be prescribed and supplied by the Auditor General, to which revised and corrected estimated return the proper county commissioners or board of revision of taxes shall add fifty per centum, and the aggregate amount so obtained shall be the basis for taxation: Provided, That if such taxable person or co-partnership, or unincorporated association or company, limited partnership, joint-stock association or corporation, on or be-



fore the day fixed for appeals from assessments, shall present reasons supported by oath or affirmation, satisfactory to the proper county commissioners or board of revision, excusing a failure to make a return such as should be made to the assessors, and shall then make such return, the proper county commissioners or board of revision may substitute such return for that returned by the assessor and corrected as aforesaid, to have like effect as if no failure to return had occurred.

Section 6. That if any assessor and any taxable person or members of any co-partnership, unincorporated association or company, officer or stockholder or member of any limited partnership, joint-stock association or corporation, shall agree or enter into any arrangement or understanding that upon the failure of such taxable person, co-partnership, unincorporated association, company, limited partnership, joint-stock association or corporation, to make the return required by the third section of this act to be made, such assessor shall return a less amount of property made taxable by the first section of this act than should have been returned by such taxable person, co-partnership, unincorporated association, company, limited partnership, joint-stock association or corporation, the persons entering into such agreement, arrangement or understanding, shall be guilty of conspiracy, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment either at labor by separate or solitary confinement or to simple imprisonment, not exceeding three years, at the discretion of the court.

Section 7. That from and after the passage of this act, it shall be the duty of the recorder of deeds, mortgages and other instruments of writing, in each and every county and city co-extensive with a county in this Commonwealth, to keep a daily record, separate and apart from all other records, of every mortgage or article of agreement given to secure the payment of money entered in his office for recording, which said record shall set forth the following information to wit: The date of the mortgage or agreement, the names of the parties thereto, the just sum of money secured, the precise residence of the mortgagee or person to whom interest is payable whenever such residence can be ascertained, a brief description of the real estate upon which such mortgage is secured, and the date or several dates when the said sum or portion of the said sum shall become due and payable, and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money, and also the number of mortgages and agreements, together with the amount of same, and the names of the parties thereto, which shall have been that day satisfied of record; and it



shall be the further duty of the recorder, on the first Monday of each month, to file the aforesaid daily record in the commissioners' office or with the board of revision of taxes of the proper county or city, and one certificate appended thereto shall be all that shall be required.

Section 8. That it shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county or city co-extensive with a county in this Commonwealth, forthwith upon the passage of this act, to keep a daily record, separate and apart from all other records, of every single bill, bond, judgment or other instrument securing a debt, entered of record in his office, which daily record shall set forth the following information, to wit: The date of the instrument, the names of the plaintiff and defendant, together with the precise residence of the plaintiff or person to whose use such bill, bond, judgment or other obligation to pay money is marked, whenever such residence can be ascertained, the just sum secured, and the date or several dates when the said sum or portion of the same shall become due and payable, with the further information whether any of said bonds or judgments are accompanied with mortgages, and also the number of every single bill, bond, judgment or other instrument securing a debt, together with the amount of same and the names of the plaintiff and defendant thereto, which shall have been that day satisfied; and it shall be the further duty of prothonotary or clerk of the court of common pleas to file the aforesaid daily record of bills and so forth in the commissioners' office or with the board of revision of taxes of the proper county or city, on the first Monday of each month, and one certificate appended thereto shall be all that shall be required.

Section 9. That it shall be the further duty of the county commissioners or board of revision of taxes, upon obtaining record of the existence within any county or city co-extensive with a county or said mortgages and other obligations, that shall be owned by a person, co-partnership, association, limited partnership, joint-stock association or corporation, resident or doing business within this Commonwealth, and not a resident of said county, or in the case of a corporation, limited partnership or company not having its principal office within said county, to transmit a certified statement of said record to the county commissioners or board of revision of taxes of the proper city or county wherein said person is domiciled or wherein said co-partnership, association, limited partnership, joint-stock association or corporation does business or maintains its principal office, and also to further transmit to said commissioners or board of revision of taxes a certified statement, whenever it shall appear from the record that said mortgages and other obligations

are satisfied, which upon its receipt shall be filed of record by the county commissioners or board of revision of taxes.

Section 10. That it shall be the further duty of the county commissioners or the board of revision of taxes of the proper city or county, upon the receipt of the daily records from the offices of the recorder or prothonotary or clerk, to file the same in their office, and on or before the time of making the annual or triennial assessment in any year, to prepare from the said records a statement or statements, showing as far as practicable the number and amount of said mortgages and all other obligations and names of the parties thereto, in each township or ward in the county, which said statement shall be delivered to the assessor or assessors of each township or ward respectively before said officers shall enter upon the discharge of their proper duties.

Section 11. That it shall be the duty of the assessor or assessors, in making up their valuations of money at interest in their respective districts, to compare the return made by each person, co-partnership, association, limited partnership, joint-stock association or corporation with the statement furnished them by the county commissioners or board of revision of taxes, and if the amount of said mortgages or other obligations as contained in said statement shall exceed the amount set forth in the return of any person, co-partnership, association, limited partnership, joint-stock association or corporation, to note the fact and make return of the same to the commissioners or board of revision of taxes of the proper city or county.

Section 12. That it shall be the further duty of the county commissioners or board of revision of taxes, upon the returns made to them by the assessors of the several townships, wards and boroughs, in all cases where it shall appear on proving the record, that any person, co-partnership, association, limited partnership, joint-stock association or corporation, has returned a less amount of money at interest than appears from the records in possession of the commissioners or board of revision of taxes, thereupon to raise the valuation of the property of said person, co-partnership, association or limited partnership, joint-stock association or corporation to the amount set forth in said records, and forthwith to notify the persons, co-partnerships, associations, limited partnerships, joint-stock associations or corporations interested of the said increase of valuation, and that the same is subject to be appealed from at the same time and in the same manner as the original assessment.

Section 13. That any willful failure on the part of the county commissioners, board of revision of taxes, ward, borough and township assessors, recorders of deeds, prothonotaries and clerks of courts, to carry out the duties imposed upon them by the several sections of

this act, shall be deemed a misdemeanor, and upon conviction thereof the person or persons so failing to comply shall be sentenced to a fine not exceeding five hundred dollars and imprisonment not exceeding one year.

**TAX ON STAGES, OMNIBUSES, ETC. :**

Section 14. That the county commissioners or board of revision of taxes of each and every county in this Commonwealth, are hereby authorized and required, annually hereafter, at the usual period of making county rates and levies, to assess or cause to be assessed, for the use of the Commonwealth, upon all stages, omnibuses, hacks, cabs and other vehicles used for transporting passengers for hire, except steam and street passenger railway cars, owned, used or possessed within this Commonwealth, by any person or persons, or by any corporate body or bodies, and upon all annuities yielding annually over two hundred dollars, a tax of three mills upon each and every dollar of the value thereof.

[Superseded by section 2, act of June 8, 1891.]

Section 15. That the Auditor General shall furnish to the county commissioners or boards of revision in counties or cities co-extensive with counties, all necessary books, blanks, notices and papers to carry this act into effect.

[Note.—Sec. 16 is supplied by sec. 3 of act of June 8, 1891.]

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Section 17. That the taxes imposed upon personal property by the first section of this act, shall be collected by the several counties and cities, and on the first Monday of September shall pay unto the State Treasurer all such sum or sums of money as may then have been collected, and shall on the second Monday of November immediately following in each year complete and pay unto the said State Treasurer the whole amount remaining unpaid; and in default thereof, it shall be the duty of the Auditor General to add ten per centum penalty to each county or city on all taxes remaining unpaid on the second Monday of November of each year, which shall be charged in the duplicate against each delinquent taxpayer in arrears on and after said day: Provided, That city or county treasurers shall be permitted to retain for their own use from the gross sum of money paid by them into the State treasury the commissions named and prescribed by existing laws.

Section 18. That from and after the passage of this act, it shall be unlawful for any person or persons, co-partnership, unincorporated association, limited partnership, joint-stock association or corporation whatsoever, in loaning money at interest to any person or persons, whether such loans be secured by bond and mortgage, or otherwise, to require the person or persons borrowing the same to pay the tax imposed thereon by the first section of this act; and in

all cases where such tax shall have been paid by the borrower or borrowers, the same shall be deemed and considered usury, and be subject to the laws governing the same.

#### **REGISTRATION OF CORPORATIONS:**

Section 19. That hereafter no limited partnership, bank, joint-stock associations, corporations or company whatsoever, formed, erected, incorporated or organized, by or under any law of this Commonwealth, general or special, or formed, erected, incorporated or organized under the laws of any other state, and doing business in this Commonwealth, shall go into operation, without first having the name of the institution or company, the date of incorporation or organization, the act of Assembly or authority under which formed, incorporated or organized, the place of business, the postoffice address, the names of the president, chairman, secretary and treasurer or cashier, and the amount of capital authorized by its charter, and the amount of capital paid into the treasury, registered in the office of the Auditor General; and every limited partnership, bank, association, joint-stock association, company or corporation whatsoever, now engaged in business in this Commonwealth, shall within ninety days after the passage of this act, register as herein required in the office of the Auditor General; all the corporations, companies, associations and limited partnerships aforesaid, shall annually hereafter notify the Auditor General of any change in their officers; and any such institution or company which shall neglect or refuse to comply with the provisions of this section, shall be subject to a penalty of five hundred dollars, which penalty shall be collected on an account settled by the Auditor General and State Treasurer in the same manner as taxes on capital stock are settled and collected.

[Note.—Sec. 20 is supplied by section 4 of the act of June 8, 1891; sec. 21 is supplied by sec. 1 of the act of June 8, 1893.]

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#### **CAPITAL STOCK REPORT—PENALTY:**

Section 22. That if the said officers of any such limited partnership, joint-stock association or corporation, shall neglect or refuse to furnish the Auditor General, on or before the thirty-first day of December in each and every year, with the report and appraisement as aforesaid, as required by the twentieth section of this act, it shall be the duty of the accounting officers of the Commonwealth to add ten per centum to the tax of said limited, partnership, joint-stock association or corporation, for each and every year for which such report and appraisement were not so furnished, which percentage shall be settled and collected with the said tax in the usual manner of settling accounts and collecting such taxes; if the officers of any such limited partnerships, association, joint-stock association or cor-



poration, or any of them, shall intentionally fail to comply with the requirements of the twentieth section of this act for three successive years, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo an imprisonment not exceeding one year, or both or either, at the discretion of the court.

#### **GROSS RECEIPTS TAX—CORPORATIONS:**

Section 23. That every railroad company, pipe line company, conduit company, steamboat company, canal company, slack water navigation company, transportation company, street passenger railway company, and every other company, joint-stock association or limited partnership, now or hereafter incorporated or organized by or under any law of this Commonwealth, or now or hereafter organized or incorporated by any other State or by the United States or any foreign government, and doing business in this Commonwealth, and owning, operating or leasing to or from another corporation, company, association, joint-stock association or limited partnership, any railroad, pipe line, slack water navigation, street passenger railway, canal or other device for the transportation of freight or passengers or oil, and every telephone or telegraph company incorporated under the laws of this or any other State of the United States and doing business in this Commonwealth, and every express company, incorporated or unincorporated, doing business in this Commonwealth, and every firm, co-partnership or joint-stock company or association doing express business in this Commonwealth, and every electric light company, and every palace car and sleeping car company, incorporated or unincorporated, doing business in this Commonwealth, shall pay to the State Treasurer a tax of eight mills upon the dollar upon the gross receipts of said corporation, company or association, limited partnership, firm or co-partnership, received from passengers and freight traffic transported wholly within this State, and from telegraph, telephone or express business done wholly within this State, or from business of electric light companies, and from the transportation of oil done wholly within the State; the said tax shall be paid semi-annually upon the last days of January and July in each year; and for the purpose of ascertaining the amount of the same, it shall be the duty of the treasurer or other proper officer of the said company, firm, co-partnership, limited partnership, joint-stock association or corporation, to transmit to the Auditor General a statement, under oath or affirmation of the amount of gross receipts of the said companies, co-partnerships, corporations, joint-stock associations or limited partnerships derived from all sources and of gross receipts from business done wholly within the State, during the preceding six months ending on the first days of January and July in each year; and if any

such company, firm, co-partnership, joint-stock association, association or limited partnership or corporation, shall neglect or refuse for a period of thirty days after such tax becomes due, to make said returns or to pay the same, the amount thereof with an addition of ten per centum thereto, shall be collected for the use of the Commonwealth as other taxes are recoverable by law: Provided, That in any case where the works of one corporation, company, joint-stock association or limited partnership are leased to and operated by another corporation, company, association or limited partnership, the taxes imposed by this section shall be apportioned between the said corporations, companies, associations or limited partnerships in accordance with the terms of their respective leases or agreements, but for the payment of the said taxes the Commonwealth shall first look to the corporation, company, association or limited partnership operating the works, and upon payment by the said company, corporation, association or limited partnership of a tax upon the receipts as herein provided derived from the operation thereof, the corporation, company, joint-stock association or limited partnership from which the said works are leased, shall not be held liable under this section for any tax upon the proportion of said receipts by it as rental for the use of said works.

#### **GROSS PREMIUMS—INSURANCE:**

Section 24. That hereafter it shall be the duty of the president, secretary or other proper officer of each and every insurance company or association, incorporated by or under any law of this Commonwealth, except companies doing business upon the purely mutual plan without any capital stock or accumulated reserve, and purely mutual beneficial associations whose funds for the benefit of members, their families or heirs are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon, to make report in writing to the Auditor General semi-annually upon the first days of July and January in each year, setting forth the entire amount of premiums and assessments received by such company or association during the preceding six months, whether the said premiums and assessments were received in money or in the form of notes, credits or any other substitutes for money; and every such company or association shall pay into the State treasury semi-annually on the last days of January and July, in addition to any other taxes to which it may be liable under the first and under the twenty-first sections of this act, a tax of eight mills upon the dollar upon the gross amount of said premiums and assessments received from business transacted within this Commonwealth: Provided, That said report shall be made under oath or affirmation, and that it shall be the duty of the accounting officers of the Commonwealth to add ten per centum to the account of any company or

association whose officers shall neglect or refuse for a period of thirty days to make the said report or to pay into the State treasury the tax imposed by this section: And provided further, That hereafter the annual tax upon the premiums of insurance companies of other States or foreign governments, shall be at the rate of two per centum upon the gross premiums of every character and description received from business done within this Commonwealth within the entire calendar year preceding.

[Note.—Secs. 25 and 26 are supplied by secs. 6 and 7 of the act of June 8, 1891.]

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#### **TAX ON NET EARNINGS OR INCOME—CORPORATIONS:**

Section 27. That from and after the passage of this act every incorporated company or limited partnership whatever, whether the same be incorporated, formed or organized under the laws of this or any other state or territory, and doing business within this Commonwealth, and liable to taxation therein, which is not subject to the taxes imposed by the twenty-first or twenty-fourth sections of this act, except incorporated banks and savings institutions having capital stock, and foreign insurance companies, shall annually, upon the first Monday of November of each year, make report to the Auditor General under oath of some officer of such company, association or limited partnership, setting forth the entire amount of net earnings or income received by said company or limited partnerships from all sources during the preceding year; and upon such net earnings or income, the said company, association or limited partnership, as the case may be, shall pay into the State treasury for the use of the Commonwealth, within sixty days thereafter, three per centum upon such annual net earnings or income, in addition to any taxes on personal property to which it may be subject under the first section of this act; and in case any company or limited partnership as aforesaid, shall neglect or refuse to make the report required by this section to the Auditor General, on or before the thirty-first day of December following, such company, association or limited partnership shall be liable to a penalty of ten per centum for such neglect, which shall be added to the amount of tax found due on the settlement of their account: Provided, That this section shall not apply to corporations and limited partnerships chartered or organized for manufacturing purposes.

#### **EXAMINATION OF BOOKS AND PAPERS:**

Section 29. That the Auditor General and State Treasurer, or any agent appointed by them or either of them, are hereby authorized to examine the books and papers of any corporation, institution, company, association or limited partnership made taxable by this



act, to verify the accuracy of any return made under the provisions of this or any other act of Assembly.

#### **INTEREST ON ACCOUNTS:**

Section 30. That in the settlement by the Auditor General and State Treasurer of all accounts for taxes due the Commonwealth, they shall charge interest upon the amount of tax or balance or balances found due the Commonwealth, at the rate of twelve per centum per annum from thirty days after the time said taxes or balances become due and payable to the time of the settlement of the same; and all balances due the Commonwealth on accounts settled by the Auditor General and State Treasurer shall bear interest from sixty days after date of settlement at the rate of twelve per centum per annum until the same are paid; and any judgment recovered thereon shall bear interest at the rate of twelve per centum per annum until paid; and the payment of interest as aforesaid shall not relieve any corporation from any of the penalties or commissions prescribed by law for neglect or refusal to furnish reports to the Auditor General or to pay any claim due to the Commonwealth from such corporation: Provided, That the Auditor General shall first have sent to such corporation a statement of the amount due.

#### **LIENS FOR TAXES:**

Section 31. That all taxes imposed by this act shall be a lien upon the franchises and property, both real and personal, of corporations, companies, associations, joint-stock associations and limited partnerships, from the time the said taxes are due and payable; and whenever the franchises or property of a corporation, company, association, joint-stock association or limited partnership shall be sold at a judicial sale, all taxes due the Commonwealth shall first be allowed and paid out of the proceeds of such sale, before any judgment, mortgage or other claims which shall be entered of record or become a lien after the passage of this act.

#### **DISSOLUTIONS:**

Section 32. That no corporation, company, joint-stock association, association or limited partnership made taxable by this act, shall hereafter be dissolved by the decree of any court of common pleas, nor shall any judicial sale be valid or a distribution of the proceeds thereof be made, until all taxes due the Commonwealth have been fully paid into the State treasury, and the certificate of the Auditor General, State Treasurer and Attorney General to this effect filed in the proper court, with the proceedings for dissolution or sale.

#### **EXISTING LAWS—CERTAIN NOT REPEALED:**

Section 33. That nothing in this act contained shall be taken or construed to alter or repeal existing laws imposing taxes upon col-



lateral inheritances, or imposing any bonus or tax, nor with the license or tax on net earnings to be paid by bankers, brokers, private banks; unincorporated banks and savings institutions.

**BLANKS:**

Section 34. The Auditor General is hereby authorized to prepare all blanks, in such forms as he may deem best calculated to insure true returns of all property taxable under the provisions of this act, and the collection of the taxes therein, and to take all necessary action to enforce the provisions of this act.

**ACCRUED TAXES—COLLECTION OF.**

Section 35. That nothing in this act contained shall be taken or construed to relieve any person or persons, co-partnership, unincorporated association, joint-stock association, company, limited partnership, bank or other corporation whatsoever, from the payment of any tax, taxes or penalty due or owing to the Commonwealth under any law in force at the time of the passage of this act, but the same shall be collected under and by virtue of the laws by which they were imposed, which laws shall be taken for said purpose to be in full force and effect.

**REPEALING SECTION:**

Section 36. That from and after the passage of this act, sections two, three, four and seven of the act, entitled "An act to provide revenue by taxation," approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine, and sections one, three, five and twenty of the act, entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh of June, one thousand eight hundred and seventy-nine," approved June thirtieth, one thousand eight hundred and eighty-five, and section one of an act, entitled "An act requiring boom companies to make report to the Auditor General of the number of logs annually rafted by them, and to pay taxes," approved April six, one thousand eight hundred and seventy, and all other sections and parts of the said acts which are inconsistent herewith, or which are hereby substantially re-enacted, and all other acts or parts of acts inconsistent herewith or which are hereby substantially re-enacted, be and the same are hereby repealed, saving, reserving and excepting unto the Commonwealth the right to collect any tax, taxes, interest, penalty or penalties due or owing, or accrued under the said sections, laws or parts of law, or any of them, prior to the date of the approval of this act.

Approved—The 1st day of June, A. D. 1889.

## ACT OF 1891.

[June 8, 1891, P. L. 229.]

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An act to provide increased revenues for the purpose of relieving the burdens of local taxation, being supplementary to an act, entitled "An act to provide revenue by taxation," approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine, amending the first, fourteenth, sixteenth, twentieth, twenty-first, twenty-fifth and twenty-sixth sections of an act supplementary thereto, which became a law on the first day of June, Anno Domini one thousand eight hundred and eighty-nine, entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," and providing for greater uniformity of taxation by taxing all the property of corporations, limited partnerships and joint-stock associations having capital stock, at the rate of five mills on each dollar of its actual value.

### PREAMBLE :

Whereas, There is a wide-spread demand for the enactment of such measures as will bring about the equalization of taxation and the relief of local taxation upon real estate;

And whereas, Moneyed capital, taxable under the first section of the act, entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," approved the first day of June, Anno Domini one thousand eight hundred and eighty-nine, does not bear its just proportion of the burdens of local taxation:

And whereas, It is desirable to largely increase the State appropriation for the support of the public schools, out of an increased taxation upon the capital stock of certain corporations imposed by the twentieth and twenty-first sections of said act;

And whereas, Experience has shown that the said twentieth and twenty-first sections result, in many cases, in requiring corporations which pay dividends less than six per centum to pay a larger amount of tax than corporations paying dividends of six per centum are required to pay;

And whereas also, It has shown that the mode prescribed in the twenty-first section of said act for taxing corporations paying dividends of six per centum and upwards at a rate of tax to be measured by the dividends results, in many cases, in corporations with large investments in bonds, mortgages and moneys at interest, paying a less rate of tax than other corporations without capital stock, and individual citizens are required to pay, under the first section of said act, upon the same kind of property;

And whereas also, It appears that the taxes imposed upon corporations and individual citizens by the first and twenty-first sections of said act can be made much more nearly uniform by taxing all corporations, limited partnerships and joint-stock associations having capital stock, at a fixed rate of five mills upon each dollar of the actual value of their whole capital stock, including as well their bonds, mortgages and moneys at interest, as their franchises and property of other kinds; therefore,

**PERSONAL PROPERTY—TAX ON.**

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same, That from and after the passage of this act, all personal property of the classes hereinafter enumerated, owned, held or possessed by any person, persons, co-partnership or unincorporated association or company, resident, located or liable to taxation within this Commonwealth, or by any joint-stock company or association, limited partnership bank or corporation whatsoever, formed, erected or incorporated by, under or in pursuance of, any law of this Commonwealth or of the United States, or of any other state or government, and liable to taxation within this Commonwealth, whether such personal property be owned, held or possessed by such person or persons, co-partnership, unincorporated association, company, joint-stock company or association, limited partnership, bank or corporation, in his, her, their or its own right, or as active trustee, agent attorney-in-fact or in any other capacity for the use, benefit or advantage of any other person, persons, co-partnership, unincorporated association, company, joint-stock company, or association, limited partnership, bank or corporation, is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof, and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor to the Commonwealth, that is to say:

All mortgages, all moneys owing by solvent debtors, whether by promissory note or penal or single bill, bond or judgment, all articles of agreement and accounts bearing interest; all public loans whatsoever, except those issued by this Commonwealth or the United States; all loans issued by or shares of stock in any bank, corporation, association, company or limited partnership, created or formed under the laws of this Commonwealth or of the United States or of any other state or government, including car trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness, whether the interest be included in the principal of the obligation or payable by the terms thereof, except shares of stock

in any corporation or limited partnership liable to the capital stock tax imposed by the twenty-first section of this act, or relieved from the payment of tax on capital stock by said section; all moneys loaned or invested in other states, territories, the District of Columbia or foreign countries; all other money capital in the hands of individual citizens of the State: Provided, That this section shall not apply to bank notes, or notes, discounted or negotiated by any bank or banking institutions, savings institution or trust company: And provided, That the provisions of this act shall not apply to building and loan associations: Provided also, That this section shall take effect on the first day of January, Anno Domini, one thousand eight hundred and ninety-two.

#### **TAX ON OMNIBUSES, STAGES, ETC. :**

Section 2. That the county commissioners or board of revision of taxes of each and every county in this Commonwealth are hereby authorized and required, annually, hereafter, at the usual period of making county rates and levies, to assess or cause to be assessed, for the use of the Commonwealth, upon all stages, omnibuses, hacks, cabs and other vehicles used for transporting passengers for hire, except steam and street passenger railway cars owned, used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies, and upon all annuities yielding annually over two hundred dollars, a tax of four mills upon each and every dollar of the value thereof: Provided also, That this section shall take effect on the first day of January, Anno Domini one thousand eight hundred and ninety-two.

#### **RETURN OF PORTION OF PERSONAL PROPERTY TAX TO COUNTIES :**

Section 3. That for the year one thousand eight hundred and ninety-two, and annually thereafter, three-fourths of the net amount of tax based on the return of property subject to taxation for state purposes required to be made to and reported by the State board of revenue commissioners, annually, by county commissioners and the board of revision of taxes in cities co-extensive with counties, that is collected and paid into the State treasury by a county, or city co-extensive with a county shall be returned by the State Treasurer to such county or city co-extensive with a county for its own use in payment of the expenses incurred by it in the assessment and collection of the said tax: Provided, That in consideration of the return to counties, and cities co-extensive with counties, of the tax as aforesaid, no claim shall be made upon or allowed by the Commonwealth for abatements, tax collectors' commissions, extraordinary expenses, uncollectible taxes or for keeping a record of judgments and mortgages.



**TAX ON CAPITAL STOCK—REPORTS FOR.**

Section 4. That hereafter, except in the case of banks, savings institutions and foreign insurance companies, it shall be the duty of the president, chairman or treasurer of every corporation having capital stock, every joint-stock association and limited partnership whatsoever, now or hereafter organized or incorporated by or under any law of this Commonwealth, and of every corporation, joint-stock association and limited partnership whatsoever now or hereafter incorporated or organized by or under the laws of any other state or territory of the United States, or by the United States, or by any foreign government and doing business in and liable to taxation within this Commonwealth, or having capital or property employed or used in this Commonwealth, by or in the name of any limited partnership, joint-stock association, company or corporation whatsoever, association or associations, co-partnership or co-partnerships, person or persons, or in any other manner to make a report in writing to the Auditor General in the month of November, one thousand eight hundred and ninety-two, and annually thereafter, stating specifically.

First. Total authorized capital stock.

Second. Total authorized number of shares.

Third. Number of shares of stock issued.

Fourth. Par value of each share.

Fifth. Amount paid into the treasury on each share.

Sixth. Amount of capital paid in.

Seventh. Amount of capital on which dividend was declared.

Eighth. Date of each dividend declared during said year ended with the first Monday of November.

Ninth. Rate per centum of each dividend declared.

Tenth. Amount of each dividend during the year ended with the first Monday in said month.

Eleventh. Gross earnings during the year.

Twelfth. Net earnings during said year.

Thirteenth. Amount of surplus.

Fourteenth. Amount of profit added to sinking fund during said year.

Fifteenth. Highest price of sales of stock between the first and fifteenth days of November aforesaid.

Sixteenth. Highest price of sales of stock during the year aforesaid.

Seventeenth. Average price of sales of stock during the year; and in every case any two of the following named officers of such corporation, limited partnership or joint-stock association, namely: The president, chairman, secretary and treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according

to the best of their knowledge and belief, shall, between the first and fifteenth days of November of each year, estimate and appraise the capital stock of the said company at its actual value in cash, not less however than the average price which said stock sold for during said year, and not less than the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends or carried into surplus or sinking fund, and when the same shall have been so truly estimated and appraised they shall forthwith forward to the Auditor General a certificate thereof accompanied with a copy of their said oath or affirmation, signed by them and attested by a magistrate or other persons duly qualified to administer the same: Provided, That if the Auditor General and State Treasurer, or either of them, is not satisfied with the appraisement and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof based upon the facts contained in the report herein required, or upon any information within their possession or that shall come into their possession, and to settle an account on the valuation so made by them for the taxes, penalties and interest due the Commonwealth thereon with a right to the company dissatisfied with any settlement so made against it to appeal therefrom in the manner now provided by law; and in the event of the neglect or refusal of the officers of any corporation, company, joint-stock association or limited partnership, for a period of sixty days, to make the report and appraisement to the Auditor General as herein provided, it shall be the duty of the Auditor General and State Treasurer to estimate a valuation of the capital stock of such defaulting corporation, company, joint-stock association or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement there shall be no right of appeal.

[Note.—Sec. 5 is supplied by sec. 1 of the act of June 8, 1893.]

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#### **TAX ON BANK STOCK :**

Section 6. In case any bank or savings institution incorporated by this State or the United States shall elect to collect annually from the shareholders thereof a tax of eight mills on the dollar upon the par value of all shares of said bank or savings institution that have been subscribed for or issued, and pay the same into the State treasury on or before the first day of March in each year, the shares and so much of the capital and profits of such bank as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth. It shall be the duty of the president or cashier of every bank or savings institution incorporated by or under the laws of this Commonwealth failing to pay in the eight mill tax as afore-

said to make report in writing to the Auditor General, on or before the twentieth day of June of each year, stating specifically the amount of capital stock and the amount paid in, a full and complete list of the shareholders of such bank or savings institution with their residences, and number, and par value of shares of stock held by each person respectively, and the value of said stock in the market where such bank or savings institution is located during the year ending with the twentieth day of June, which said report shall be verified by the oath of the president or cashier, taken before some officer authorized to administer oaths; and the said president or cashier shall also furnish a duplicate original of said report to the commissioners or board of revision of the proper city or county in which such bank or savings institution is located, to be used by them for the purpose of assessing all taxes against said shareholders. The Auditor General shall have power to inquire into the value of such stock and either abate or increase the assessment as may be just; if the said bank officers shall neglect or refuse to furnish the reports aforesaid as above required, it shall be the duty of the Auditor General to require the said officers to appear before him in person, with the books and accounts of the said bank or savings institution, for interrogation and examination, and the Auditor General shall have power to issue subpoenas and attachments to be served by any constable or sheriff, and to compel the attendance of such officers and the production of such books and papers as he may deem necessary to make a correct list of the shareholders with their residences and the number and value of their shares; and the said Auditor General shall settle an account in the usual mode against the individual shareholders for the State tax of four mills and proceed to collect the same according to law, and he shall also transmit the list and assessments made by him to the commissioners or board of revision of the proper cities and counties to be used by them in assessing taxes against the shareholders; and any president or cashier of any bank or savings institution neglecting or refusing to furnish the said report, or to do and perform any of the matters and things required of him by this act, shall be liable to a penalty of one thousand dollars; and any bank or savings institutions refusing to permit the said president or cashier to make the said reports, or to produce its books as above required, shall be liable to a like penalty of one thousand dollars; and the Auditor General may settle an account against the president and cashier so neglecting or refusing to make report as aforesaid or against the bank or savings institution refusing to permit the making of said report or the production of its books and papers as aforesaid, and proceed for the collection of said penalties for the use of the Commonwealth, in the same manner as taxes are now recoverable by law.



**TAX ON BANK STOCK—NATIONAL :**

Section 7. That from and after the passage of this act, every national bank located within this Commonwealth which shall fail to elect to collect annually from the shareholders thereof a tax of eight mills on the dollar upon the par value of all the shares of said bank that have been subscribed or issued, shall, on or before the twentieth day of June in each and every year, make to the Auditor General a report in writing, verified by the oath or affirmation of the president or cashier, setting forth the full number of shares of the capital stock issued by such national bank, and the actual value thereof, whereupon it shall be the duty of the Auditor General to assess the same for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of this State, that is to say at the rate of four mills upon each dollar of the actual value thereof, and for that purpose he shall have the power, and it shall be his duty, in case he shall not be satisfied with the correctness of the report, to summon the officers of said national bank to appear before him upon notice so to do, on a day to be fixed by him, and to bring with them all the books of the said national bank, showing its business, assets and dividends, for his examination, and it shall be his further duty to hear any stockholder who may desire to be heard on the question of the valuation of the shares as aforesaid; and he shall have the right, by other evidence, to satisfy himself as to the correctness of the valuation of said shares of stock in said report contained, and to correct said valuation. The Auditor General shall thereupon transmit to the said national bank a statement of the valuation and assessment so made by him, and the amount of tax due the Commonwealth on all of said shares, which tax the said bank shall, within thirty days after receiving said statement, collect from their shareholders and pay over into the State treasury: Provided, That if any national bank shall fail or refuse to make said report or to pay said tax at the said times herein specified or shall make any false statement in said report, or shall fail or refuse by its officers to appear before the Auditor General upon notice as aforesaid, or shall fail or refuse to produce its books for examination when required to do so by the Auditor General, after having ascertained the actual value of each share of the capital stock of said national bank, from the best information which he can obtain, shall add thereto fifty per centum, assess the tax as aforesaid, and proceed according to law to collect the same from said bank.

**REPEALING SECTION :**

Section 8. That all acts or parts of acts inconsistent herewith or that are supplied by this act, be and the same are hereby repealed, saving, reserving and excepting unto the Commonwealth the right



to collect any tax, taxes, interest, penalty or penalties due or owing or accrued under the said laws or parts of laws prior to the dates when the several sections of this act go into effect.

Approved—The 8th day of June, A. D. 1891.

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## ACT OF 1893.

[June 8, 1893, P. L. 353.]

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### AN ACT

Being a further supplement to an act, entitled "An act to provide revenue by taxation," approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine, amending the amendment of the supplement thereto, which became a law on the first day of June, Anno Domini one thousand eight hundred and eighty-nine, which amendment herein amended was approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-three, relating to the tax on capital stock.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the twenty-first section of an act which became a law on the first day of June, Anno Domini one thousand eight hundred and eighty-nine entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine, as the said section is amended by an act approved the eighth day of June, Anno Domini one thousand eight hundred and ninety-one," be and the same is hereby amended so as read as follows:

#### TAX ON CAPITAL STOCK:

Section 21. That every corporation, joint-stock association, limited partnership and company whatsoever from which a report is required under the twentieth section hereof, shall be subject to and pay into the treasury of the Commonwealth annually a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed in said twentieth section, and it shall be the duty of the treasurer or other officers having charge of any such corporation, joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the treasury of the Commonwealth within thirty days from the date of settlement of the account by the Auditor General and State Treasurer: Provided, That for the purposes of this act in-

terests in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly: Provided also, That corporations, limited partnerships and joint-stock associations liable to tax on capital stock under this section shall not be required to make any report or pay any further tax on the mortgages, bonds and other securities owned by them in their own right but corporations, limited partnerships and joint-stock associations holding such securities as trustees, executors, administrators, guardians or in any other manner shall return and pay the tax imposed by this act upon all securities so held by them as in the case of individuals: And provided further, That the provisions of this section shall not apply to the taxation of so much of the capital stock of corporations, limited partnerships or joint-stock associations organized for manufacturing purposes, which is invested in and actually and exclusively employed in carrying on manufacturing within the State, except companies engaged in the brewing or distilling of spirits or malt liquors and such as enjoy and exercise the right of eminent domain, but every manufacturing corporation, limited partnership or joint-stock association shall pay the State tax of five mills herein provided upon such proportion of its capital stock, if any, as may be invested in any property or business not strictly incident or appurtenant to its manufacturing business in addition to the local taxes assessed upon its property in the districts where located, it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the manufacturing plant and business: Provided further, In case of fire or marine insurance companies, the tax imposed by this section shall be at the rate of three mills on each dollar of the actual value of the whole capital stock.

Approved—The 8th day of June, A. D. 1893.

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### ACT OF 1895.

[June 27, 1895, P. L., p. 393.]

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#### AN ACT

To amend the first, second and third sections of an act, entitled "An act relating to brokers and private bankers," approved the sixteenth day of May, A. D. 1861, relieving real estate agents from the provisions of the act.

#### TAX ON NET EARNINGS OF BROKERS:

Section 1. That every stock broker, bill broker, exchange broker and private banker in this Commonwealth shall, on or before the first Monday of December next, and on or before the same day in each year thereafter, make a written return, under oath or affirma-

tion, to the Auditor General of this Commonwealth, in which return he shall exhibit and set forth the full amount of his receipts from commissions, discounts, abatements, allowances and all other profits arising from his business during the year ending with the thirtieth day of November: preceding the date of such annual return, and shall forthwith pay into the State treasury three per centum upon the aggregate amount contained in such return for the use of the Commonwealth: all revenues derived from this source are hereby appropriated to the sinking fund to be applied under the direction of the commissioners thereof to the payment of the interest and reduction of the principal of the public debt, in like manner as other revenues appropriated to that fund are now applied.

#### **REGISTRATION OF BROKERS :**

Section 2. That every stock broker, bill broker, exchange broker and private banker in this Commonwealth, whether the business be conducted by an individual or more than one person in partnership shall, within three months after the passage of this act, and all others who shall hereafter engage in such business in this Commonwealth, within sixty days after they commence the same, make a report to the Auditor General, in writing and under oath or affirmation, setting forth the name of the person so employed, if an individual, or if a partnership, the names of all the individuals composing the same, and the name of the firm, the location or place where such business is transacted, and the amount of capital invested therein, if any.

#### **PENALTY FOR NOT REPORTING OR REGISTERING :**

Section 3. That any such stock broker, bill broker, exchange broker or private banker in this Commonwealth who shall neglect or refuse to make the return and report required by the first and second sections of this act shall, for every such neglect or refusal be subject to a penalty of one thousand dollars, which penalty shall be collected on an account settled by the accountant officers as taxes on bank dividends are now settled and collected, and shall not be relieved from paying the amount which he is liable to pay to the Commonwealth under the provisions of the first section of this act on account of his having been required and compelled to pay the said penalty.

Approved—The 27th day of June, A. D. 1895.























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